

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TIMOTHY MORGAN, Individually and on behalf of all)	
others similarly situated,)	Civil Action 1:03 cv 12529 JLT
)	
Plaintiff,)	
)	
v.)	
)	
NETWORK ENGINES, INC., JOHN CURTIS,)	
DOUGLAS G. BRYANT and LAWRENCE A.)	
GENOVESI,)	
)	
Defendants.)	

EDWIN POWELL MILLER, Individually and On behalf)	
of all others similarly situated,)	Civil Action 1:04 cv 10022 JLT
)	
Plaintiff,)	
)	
v.)	
)	
NETWORK ENGINES, INC., JOHN CURTIS,)	
DOUGLAS G. BRYANT and LAWRENCE A.)	
GENOVESI,)	
)	
Defendants.)	

Additional Captions to Follow

**MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF
AND FOR APPROVAL OF SELECTION OF LEAD AND LIAISON COUNSEL**

DAVID DUBROW, Individually and on behalf of all
others Similarly Situated,

Plaintiff,

V.

NETWORK ENGINES, INC., JOHN CURTIS,
DOUGLAS G. BRYANT and LAWRENCE A.
GENOVESI,

Defendants.

KEVIN DENHA, Individually and On behalf of all
others similarly situated,

Plaintiff,

V.

NETWORK ENGINES, INC., JOHN CURTIS,
DOUGLAS G. BRYANT and LAWRENCE A.
GENOVESI,

Defendants.

WING KAM YU, on behalf of himself and all others
similarly situated,

Plaintiff,

V.

NETWORK ENGINES, JOHN CURTIS and
DOUGLAS G. BRYANT,

Defendants.

HERBERT A. REITZEL, on behalf of himself and others
similarly situated,

Plaintiff,

v.

NETWORK ENGINES, INC., JOHN CURTIS,
DOUGLAS G. BRYANT and LAWRENCE A.
GENOVESI,

Defendants.

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) Civil Action 1:04 cv 10288 JLT
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Class members Sergio and Ricardo Guerrero, Donald Drew and Thomas W. Jackson (the “Guerrera Group”) by their counsel, hereby move this Court for an Order (attached hereto as Exhibit A): (i) consolidating the Actions; (ii) appointing the Guerrero Group as Lead Plaintiff; (iii) approving the Guerrero Group’s selection of the law firm of Cauley Geller Bowman & Rudman, LLP to serve as Lead Counsel and the law firm of Shapiro, Haber & Urmey to serve as Liaison Counsel; and (iv) granting such other and further relief as the Court may deem just and proper. In support of this Motion, the Guerrero Group submits herewith a Memorandum of Law and Declaration of Theodore M. Hess-Mahan dated February 17, 2004.

Dated: February 17, 2004

Respectfully submitted,

SHAPIRO, HABER & URMAY LLP

/s/Theodore M. Hess-Mahan
Theodore M. Hess-Mahan BBO #557109
75 State Street
Boston, MA 02109
Telephone: (617) 439-3939

Proposed Liaison Counsel

**CAULEY GELLER BOWMAN
& RUDMAN, LLP**
Samuel H. Rudman
David A. Rosenfeld
Mario Alba Jr.
200 Broadhollow Road, Suite 406
Melville, NY 11747
Telephone: (631) 367-7100
Facsimile: (631) 367-1173

Proposed Lead Counsel